

## 40<sup>TH</sup> GENERAL ASSEMBLY OF THE ASEAN INTER-PARLIAMENTARY ASSEMBLY 25 - 30 AUGUST 2019 BANGKOK, THAILAND

Advancing Parliamentary Partnership for Sustainable Community

(Res 40GA/2019/Soc/06)

## **RESOLUTION ON ACCESS TO JUSTICE FOR MIGRANT WORKERS**

## The Fortieth General Assembly:

**Recalling** the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers which aim to, among others, "strengthen the political-security, economic and social-cultural pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member States;"

**Noting** that the International Labour Organization and the United Nations Department of Economic and Social Affairs estimated about 20 million migrant workers from Southeast Asia as of 2015, almost 7 million of whom migrated to other countries within the region;

Acknowledging the contribution of migrant workers to their respective countries in terms of improved livelihood, increased labor market efficiency, and enhanced economic stability due to remittances;

Acknowledging also that migrant workers contribute positively to the economic and sociocultural development of their countries of destination;

**Recalling** that the United Nations has adopted the Global Compact for Safe, Orderly and Regular Migration on 11 December 2018, an intergovernmentally negotiated non-binding agreement which has human rights and sustainable development as its two fundamental principles;

**Concerned** that many ASEAN migrant workers, especially those who are in irregular status, work under precarious conditions wherein they are exposed to apparent violations of their human rights including labor exploitation, physical and sexual abuse, lack of access to health and other basic social services, and misrepresentation of the terms of employment;

**Emphasizing** the growing concern by ASEAN Member States on the continued lack of access points for migrant workers to seek redress for the abuses committed against them, aggravated by other major obstacles to filing and resolving complaints such as fears of retaliation, high cost of legal assistance, language barrier, and employer-tied visas and work permits;

Aware that the International Labour Organization, in its 2017 "Access To Justice for Migrant Workers in Southeast Asia Report," stated that while some progress had been made in recent years regarding increasing access to justice for said migrant workers, there is still a substantial and largely unmet demand for legal assistance where fair and responsive remedies are provided to migrant workers in Southeast Asia;

**Recognizing** the significant role played by non-governmental organizations in providing gateways for migrant workers to seek legal assistance in times of distress;

**Reaffirming** the commitment of ASEAN Member States to provide clear and effective channels for migrant workers to seek the proper remedy against all forms of abuse.

## Hereby resolves to:

**Call upon** AIPA Member Parliaments to develop linkages with non-governmental organizations and enhance their contribution toward the enforcement of labor and human trafficking laws;

**Encourage** AIPA Member Parliaments to consider accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as well as other relevant international legal instruments which aim to strengthen the commitment on the protection of the rights of migrant workers and their family members;

**Call upon** ASEAN Member States to enhance the mechanism of coordination to resolve the problems of the migrant workers and assist those who are victims of trafficking to fully implement the principles under the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers;

**Urge** ASEAN Member States to undertake a comprehensive study on the effectiveness of legal mechanisms currently available to migrant workers with a view of guiding the strengthening of relevant legal frameworks in their respective countries.